IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P. No.2427 of 2005
Date of Decision: 21.5.2007

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Jagan Nath and another Vs. Superintending Canal Officer, Canal Circle, Ludhiana and others

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Present : Mr.A.S. Randhawa,Advocate for the petitioners.
Mr.N.D.S. Mann,Addl. A.G.Punjab.
Mr.Binderjit Singh, Advocate for respondents no.3 to 6.

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CORAM : HON'BLE MR.JUSTICE P. SATHASIVAM
HON'BLE MR.JUSTICE RAJIVE BHALLA

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1. Whether Reporters of Local Newspapers may be allowed to see the judgement ?
2. To be referred to the Reporters or not ?
3. Whether the judgement should be reported in the Digest ?

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RAJIVE BHALLA, J

Prayer in this writ petition is for the issuance of a writ in the nature of Certiorari for quashing the order dated 12.8.2004 passed by the Superintending Canal Office, Canal Circle Ludhiana.

One Gurdial Singh son of Kunda Singh, filed an application under Section 20 of the Northern India Canal and Drainage Act, 1873 before the Divisional Canal Officer, for declaring 34.16 Acres land as uncommanded area. It is asserted that after the matter was investigated by the Ziledar and after notice was served upon the share holders, the

aforementioned land was declared as an uncommanded area. An appeal/revision was filed before the Superintending Canal Officer, Ludhiana, who vide order dated 12.8.2004, on the basis of joint statement of one Jaswant Singh S/o Gurdial Singh and others set aside the aforementioned order.

Counsel for the petitioners contends that Jaswant Singh has sworn an affidavit that he did not make any statement before the Superintending Canal Officer. The affidavit dated 2.11.2004 is appended with this petition as Annexure P-3. Similarly, Jagan Nath, another shareholder filed an affidavit dated 19.10.2004.

It is further contended that as the Ziledar and the Divisional Canal Officer have returned findings that the area should be withdrawn from the command area, the Superintending Canal Officer had no jurisdiction to set aside these orders.

Counsel for the respondents, however, contends that the petitioners have no locus standi to file the present writ petition, as the impugned order does not affect their right to irrigation in any manner. It is further contended that Jaswant Singh, who had filed the affidavit admits to having affixed his signatures but asserts that his signatures were obtained on a blank paper. It is contended that the contention that affidavit was procured by deception is unbelievable. Jaswant Singh is an educated person and would not have affixed his signatures on a blank paper. It is further submitted that as the land was being irrigated, the report of Ziledar and the order passed by the Divisional Canal Officer were without jurisdiction.

We have heard learned counsel for the parties and perused the paper book.

Whether Jaswant Singh etc. appeared before the authorities or not and whether the affidavits are correct, forged, manipulated is not for this Court to adjudicate. The Superintending Canal Officer accepted the statements made by the parties and restored the land to its status, as a command area. We find no ground to interfere with the impunged orders.

Consequently, the present writ petition is dismissed.

(RAJIVE BHALLA)
JUDGE

21.5.2007
GS

(P. SATHASIVAM)
JUDGE